

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Melvin Morrison,)
)
 Movant,)
vs.) No. 05-1262-CV-W-FJG
) Crim. 01-0093-02-CR-W-FJG
United States of America,)
)
 Respondent.)

ORDER

Pending before this Court are movant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. #1), filed December 19, 2005, the government's response in opposition (Doc. #5), filed January 18, 2006, and movant's response to the government's opposition (Doc. #9), filed February 13, 2006.

Defendant entered a guilty plea November 30, 2001, and was sentenced on December 6, 2006. The judgment was subsequently amended on January 16, 2002 to correct a clerical mistake. No appeal was taken.

Effective April 24, 1996, persons seeking relief under 28 U.S.C. § 2255 have a one-year period of limitation from the date on which their judgment is final, in which to file a § 2255 motion. See Clay v. United States, 123 S.Ct. 1072, 1075 (2003); 28 U.S.C. § 2255(1); Abdullah v. United States, 240 F.3d 638 (8th Cir. 2001); Moore v. United States, 173 F.3d 1131, 135 (8th Cir. 1999). The filing of this motion exceeds this one year period without an excusable reason for delay. Additionally, movant's claims for relief are without merit on their face and no evidentiary hearing is required.

Accordingly, movant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. #1), filed December 19, 2005, is denied.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: March 6, 2006

Kansas City, Missouri

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